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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,233	06/05/2006	Hiroyuki Nakano	05677/0204364-US0	3817
7278	7590	06/24/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			WALTERS, RYAN J	
			ART UNIT	PAPER NUMBER
			4177	
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			06/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/596,233	NAKANO, HIROYUKI
	<b>Examiner</b>	<b>Art Unit</b>
	RYAN J. WALTERS	4177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4,6 and 7 is/are rejected.
- 7) Claim(s) 2 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/5/2006.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This office action is responsive to the preliminary amendment filed on 6/5/2006.

As directed by the amendment: claims 1-7 have been amended, and new claim 8 has been added. Thus, claims 1-8 are presently pending in this application.

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to a rim disk assembling device.

Group II, claim(s) 8, drawn to a method for assembling a disk and rim of a vehicle.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of Group I, a disk supporting member being disposed on the rotary table, is not shared by Group II.

3. During a telephone conversation with Pierre Yanney on 6/12/2008 a provisional election was made without traverse to prosecute the invention of rim disk assembling device, claims 1-7. Affirmation of this election must be made by applicant in replying to

this Office action. Claim 8 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Objections***

4. Claims 1 and 8 are objected to because of the following informalities: Claims 1 and 8 mention a hub hole fitting member and a hub hole supporting member. The examiner is considering the hub hole supporting member to be the same as the hub hole fitting member. For consistency all similar instances of "supporting" should be changed to "fitting". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 3 and 4 recite "a rim supporting member" and "a rim position restraining means", which have already been claimed in the independent claim 1. It is unclear whether these are the same elements from Claim 1 or not, "said" or "the" should be used if they are the same elements.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishiro (JP 03285799A) in view of Shalosky (US 6,513,241).

10. In regards to Claim 1, Kishiro discloses a rim disk assembling device for a vehicle full face wheel (Abstract), comprising: a centering rod 32 (Fig. 1) moving up and down along a center axis of a full face wheel; a rotary table 25 (Fig. 1) rotated by a rotating means 29 (Fig. 1) (Abstract); a hub hole fitting member 31 (Fig. 1) mounted on the rotary table 25 (Fig. 1) to radially position a disk 23 (Fig. 1) by fitting to the hub hole of the disk 23 (Fig. 1); a disk supporting member 9 (Fig. 7) disposed on the rotary table 25 (Fig. 1) to support the disk 23 (Fig. 1); a rim supporting member 34 (Fig. 1) which clamps is fitted to the centering rod 32 (Fig. 1) and can then move down along the center axis together with the centering rod to support the rim 22 (Fig. 1) disposed on the disk 23 (Fig. 1) supported with the hub hole fitting member 31 (Fig. 1) and the disk supporting member 9 (Fig. 7) by pressing from above its rim flange portion 22 (Fig. 1) (Abstract); and a hub hole 23a (Fig. 1) which acts as a rod connecting means for connecting the centering rod that has moved down along the center axis to the rotary table, wherein the device is adapted to bring into a pressed contact state the disk 23 (Fig. 1) radially positioned with the hub hole fitting member 31 (Fig. 1) and the rim by sandwiching them between the disk supporting member and the rim supporting member and by pulling up the centering rod connected through the rod connecting means to the rotary table while pressing down the rim flange portion with the rim supporting member

(Abstract).

Kishiro does not disclose a rim position restraining means for radially positioning the rim by radially restraining an inside circumferential surface of a rim drop portion centered on the centering rod. However, Shalosky teaches an apparatus for producing a vehicle wheel that includes tooling members 150 (Fig. 7) that would serve as a rim position restraining means which is effective to engage and support an inside circumferential surface of a drop portion of the wheel rim 40 (Fig. 7) centered on a centering rod 134 (Fig. 7). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify Kishiro's device to include a rim position restraining means for radially positioning the rim by radially restraining an inside circumferential surface of a rim drop portion as discussed earlier, as taught by Shalosky, for the purpose of securing the rim in place during the welding process.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishiro/Shalosky in view of Voglrieder (US 4,173,817).

12. In regards to Claims 6 and 7, Kishiro/Shalosky discloses all recited structure of claimed vehicle wheel assembly device except for the rotating means being a rotating device with a rotary shaft disposed under the rotary table along the center axis to rotate the rotary table and the rotating device being a direct drive motor.

However, Voglrieder teaches a device including a rotary work table 17 (Fig. 31, 33, 34) that is rotated by a direct current servo drive motor 458 (Fig. 32, 34) (Col. 19, lines 29-32) and there is an output shaft 463 (Fig. 31, 32) that is under the rotary work table 17 (Col. 19, lines 38-40) along a central axis (See Fig. 31). Therefore, it would be obvious

to one with ordinary skill in the art at the time the invention was made to modify Kishiro's device to include the rotating means being a rotating device as discussed above, as taught by Voglrieder, for the purpose of enabling higher speeds of rotation and more responsive control over rotation.

***Allowable Subject Matter***

13. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. WALTERS whose telephone number is (571)270-5429. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Thanh can be reached on 571-272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. W./  
Examiner, Art Unit 4177

/Quang D. Thanh/  
Supervisory Patent Examiner,  
Art Unit 4177